

SECTION: REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

1. Summary of the Office Action.

The disclosure was objected to.

Claims 1-6 were pending.

Claims 4-6 are objected to under 37 CFR 1.75(c) as being in improper form.

Claims 1-3 stand rejected under 35 U.S.C §102(b) over Cassidy (4,055,211)

2. Discussion.

Disclosure Objections

Regarding the examiner's objection to the disclosure in paragraph 1 of the office action, Applicant is unclear what "371 Data" is requested for insertion at page 1, line 1. Applicant acknowledges that this application was filed under 35 USC 371.

The objection to the Abstract is noted. Applicant has amended the application papers to add an appropriate Abstract. Withdrawal of the objection is believed to be in order.

Claim Rejections - 35 USC §102

Claim 1. This claim was rejected under 35 USC §102(b) as being anticipated by Cassidy. The claim is amended to patentably distinguish and limit over Cassidy by defining the invention to require that a release agent be applied to a membrane, and that the retarding agent and the release agent directly contact the concrete material being cast. These method steps and function are not shown, suggested or made obvious by the disclosure of Cassidy. In contrast, Cassidy shows the use of a retarding agent, but it does not directly contact the concrete material. Instead, it must be drawn through a water permeable membrane. Additionally, Cassidy does not disclose, suggest or render obvious any use of a release agent to form a pattern. Referring to page 3, lines 4-22 of Applicant's Specification, Applicant's invention, as now amended, has the advantages over Cassidy of working with modern low water bleed concrete grades, improved control and pattern accuracy, and improved quality of surface finish. Further, applicant has amended the claim to clarify the process steps of concrete casting and pattern creation. It is submitted that this amendment clearly and patentably avoids the applied art. Withdrawal of the rejection is requested.

Claim 7. This claim is new. It has all the limitations of amended claim 1, and further requires that the retarding agent and release agent be applied to a particular side of a membrane which contacts poured concrete material, that this application brings the retarding agent and release agent into direct contact with concrete material being cast, that the membrane is water impermeable, and that the application of the agents to the membrane be by particular printing processes. These method steps and function are not shown, suggested or made obvious by the disclosure of Cassidy. In contrast, Cassidy shows a patterning method which requires a water permeable membrane where only retarding agent is applied to the membrane on the side which does not contact concrete

material. The Cassidy method also requires the use of a water impermeable membrane and backing along with the water permeable membrane. These are not required in applicant's method. Applicant submits that this new independent claim clearly and patentably avoids the applied art. Allowance is respectfully requested.

Claims 2-6. These claims are all dependent upon claim 1; each such claim adds at least one limitation to the elements of the base claim and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason. Amendments were made to these claims in view of the amendments to the base claim and for clarity.

3. Conclusion.

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

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SUM claim fees:

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Respectfully submitted,



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Reg. No. 33,786

Date: _____

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